

REMARKS/ARGUMENTS

Claims 1-12 stand rejected in the outstanding Official Action. Claims 1, 4 and 12 have been amended and therefore claims 1-12 remain in this application.

The Examiner's acknowledgment of Applicants' claim for foreign priority and receipt of the certified copy of the priority document is very much appreciated. Additionally, the Examiner's acknowledgment of consideration of the prior art submitted with Applicants' previously filed Information Disclosure Statements is appreciated.

In section 2 on page 2 of the Official Action, claims 1-12 are rejected under 35 USC §112 (second paragraph) as being indefinite. In claim 1, the Examiner suggests that the term "the extracted beam" in the last line of the claim has insufficient antecedent basis. This contention is respectfully traversed. The Examiner need only refer to the previous two lines to see the recitation of "each extracted component light beam" which provides complete and accurate antecedent basis for the subsequent reference to "extracted beam." However, Applicants have amended the last clause in claim 1 to recite "each extracted component light beam" although it is noted that *in haec verba* correspondence between the recitation of an element and prior antecedent basis is not a requirement of U.S. claim drafting practice. Any further objection to claim 1 on this basis is respectfully traversed.

In section 4, page 2, the Examiner suggests that "the combined beam" lacks antecedent basis. Firstly, it is noted that claim 3 does not recite "the combined beam" but rather recites "the combined light beam" (emphasis added). Additionally, it is noted that claim 1, line 3, recites "a combined light beam" which provides clear *in haec verba* antecedent basis for the recitation of

this structure in claim 3. Accordingly, any further objection to claim 3 as lacking antecedent basis is respectfully traversed.

In section 5, page 2 of the Official Action, claim 4 is objected to with respect to the use of the word “alternative.” Applicants agrees that there is no need to recite “alternative” in the claim and this term has been deleted in the above amendment, thereby obviating any further objection.

In section 6 on page 2 of the Official Action, the Examiner objects to numerous terms in claim 12 as lacking antecedent basis. Applicants note that claim 12 recites a “coherent DIAL device.” The recitation of this device inherently includes clear antecedent basis for the structures contained in a coherent DIAL device. These inherent structures provide antecedent basis for the subsequent recitation of method steps relating to the structures. However, Applicants have amended claim 12 to recite the structures and their interconnection so as to provide *in haec verba* antecedent basis for the terms as used in the method steps. Accordingly, any further objection to claim 12 under 35 USC §112 is respectfully traversed.

On page 3, section 8 of the Official Action, claim 12 stands rejected under 35 USC §102 as being anticipated by Holton (U.S. Patent 6,621,561). The Examiner, in his allegation that Holton anticipates method claim 12, apparently ignores the preamble requirement in claim 12 that it be a “method of providing a normalisation signal in a coherent DIAL device” (emphasis added). The Manual of Patent Examining Procedure (MPEP) in Section 2111.02 specifically states that “any terminology in the preamble that limits the structure of the claimed invention must be treated as a claim limitation.” Applicants’ claim 12 specifically states that it is a method of providing a normalization signal “in a coherent DIAL device.”

Thus, the claimed method is limited to DIAL devices and the Examiner does not indicate how the Holton reference bears any relationship to a DIAL device. In fact, the Examiner does not even allege that the Holton reference has any disclosure of a DIAL device, let alone a method of providing a normalization signal in a DIAL device. Thus, the rejection of claim 12 under 35 USC §102 fails because the Holton reference does not anticipate any method relating to a “coherent DIAL device” as set forth in claim 12.

Additionally, the Holton reference does not teach extracting a portion of each of two different frequency component light beams and introducing a frequency difference between each beam and an associated local oscillator beam before reintroducing the extracted beams into the receive portion of the device. None of these features is disclosed in the Holton device, nor are any of these features even alleged by the Examiner to be disclosed in Holton.

Accordingly, in view of the above, the Holton reference clearly fails to anticipate Applicants’ claim 12 method relating to a “coherent DIAL device.” There is simply no disclosure of providing any method relating to a DIAL device, let alone the specifically recited steps of “extracting,” “introducing” and “inputting.” As a result, the Examiner has failed to establish any *prima facie* case of anticipation of claim 12 over the Holton reference and any further rejection thereunder is respectfully traversed.

The Examiner’s indication of allowable subject matter in claims 1-11 is very much appreciated. In view of the above amendments to claims 1 and 4, claims 1-11 are believed to be in condition for allowance.

Having responded to all objections and rejections set forth in the outstanding Official Action, it is submitted that claims 1-12 are in condition for allowance and notice to that effect is

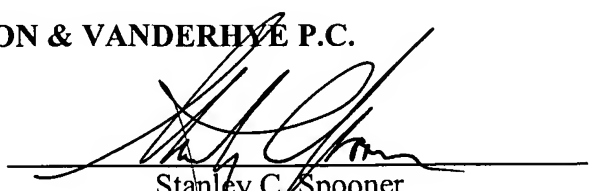
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respectfully solicited. In the event the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, he is respectfully requested to contact Applicants' undersigned representative.

Respectfully submitted,

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